

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CONSWALER FITZROY,

Plaintiff,

No. 24 Civ. 3016 (JAM)

-v-

CITY OF NEW YORK, METROPOLITAN
TRANSIT AUTHORITY, and JOHN DOES 1-5,

Defendants.
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**NOTICE OF DEFENDANT METROPOLITAN TRANSPORTATION AUTHORITY'S
MOTION TO DISMISS**

Date of Service: May 28, 2024

PLEASE TAKE NOTICE, that upon the annexed Declaration of Marjorie Dorsainvil in Support of Motion to Dismiss, dated May 15, 2024, with Exhibits A - C, and the accompanying Memorandum of Law, and all the proceedings heretofore had herein, the undersigned, on behalf of Defendant Metropolitan Transportation Authority (“MTA”), shall move this Court pursuant to the parties’ joint proposed briefing schedule order dated May 14, 2024, at the United States Courthouse, located at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) dismissing Plaintiff’s Complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted, and for such other relief in favor of the MTA as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that all answering papers must be served within 14 days of the date hereof pursuant to Local Civil Rule 6.1(b).

Dated: New York, New York
May 28, 2024

Respectfully submitted,

PAIGE GRAVES
General Counsel
METROPOLITAN
TRANSPORTATION AUTHORITY

By: /s/ Hsiao-Hsiang (Catherine) Wan
Hsiao-Hsiang (Catherine) Wan
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*Attorney for Defendant
Metropolitan Transportation
Authority*

Via Overnight Mail and Email

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100 Church Street
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CERTIFICATE OF SERVICE

I, hereby certify that, on the 28th day of May, 2024, I caused to be served a copy of the foregoing documents:

1. Notice of Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6);
2. Memorandum in Support of Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6); and
3. Declaration of Marjorie Dorsainvil in Support of Motion to Dismiss, along with Exhibits A - C.

These documents were served via overnight mail to the following parties at their respective counsel's offices, as well as through email of each of the registered counsel:

John@NewYorkTrialLawyers.org

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New York City Law Department

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100 Church Street

New York, NY 10007

Dated: New York, New York
May 28, 2024

Respectfully submitted,

PAIGE GRAVES
General Counsel
METROPOLITAN
TRANSPORTATION AUTHORITY

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